No. 393.

Office Supreme Court U. S.
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JAMES H. McKENNEY,
Clerk.

Motion to advance.

In the Supreme Court of the United States.

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Filed Oct. 16, 1899.

HENRY BOLLN,
Plaintiff in Error,

vs

THE STATE OF NEBRASKA,
Defendant in Error.

Motion to Advance.

ERROR TO THE SUPREME COURT OF NEBRASKA.

JOEL W. WEST,
for Plaintiff in Error,

C. J. SMYTH,
ATTORNEY GENERAL OF THE STATE OF NEBRASKA,
for Defendant in Error.

The Daily Record Print, Omaha

In the Supreme Court of the United States.

HENRY BOLLN,
Plaintiff in Error,

vs

Motion to Advance.

THE STATE OF NEBRASKA,
Defendant in Error.

Comes now the plaintiff in error and moves the court to advance this cause to an early hearing under the third sub-division of Rule 26. In that behalf, the court is informed that this cause involves the liberty of the plaintiff in error who was convicted of an infamous offense by the District Court of Douglas County, Nebraska, and sentenced to the penitentiary of the State of Nebraska for a period of nineteen years and which judgment and sentence of the said District Court was afterwards affirmed by the Supreme Court of the State of Nebraska and it is believed, and claimed, that all of such proceedings so had and done, were under such forms as that the plaintiff in error has been deprived of his liberty without due process of law, contrary to the 14th amendment of the Federal Constitution and likewise contrary to the

5th amendment of the Federal Constitution, which 5th amendment, it is claimed. is a limitation upon state power within the State of Nebraska by virtue of Section 4 of the Act of Congress, passed April 19th, 1864, being the enabling Act under which the people of the territory of Nebraska were enabled to form a constitution and state government. This motion is based upon the ground that it is a criminal cause, and that the plaintiff in error has for a long time and is now, confined in the penitentiary of the State of Nebraska, under and by virtue of the judgment and sentence which are sought by these proceedings to reverse.

HENRY BOLLN,

BY John W. Norton

His Attorney.